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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,394

08/22/2003

James A. Grady JR.

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03/03/2006

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EXAMINER

SWARTHOUT, BRENT

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/646,394	Applicant(s) GRADY, JAMES A.	
	Examiner Brent A. Swarthout	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on <sup>14</sup>~~22~~ December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

Art Unit: 2636

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1,2,8,9,10,12-16,20,22,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic in view of Chou and Shute.

Vukosic discloses a warning beacon with transparent housing 40 at the front, including front, rear and side portions, mounting board 14, and plural LEDs 16,18 on either side of the mounting board for providing a warning, except for specifically stating that the housing is in a triangular shape or that the warning beacon housing is made of Lucite.

Chou teaches desirability of providing a warning whereby the housing 1 is in the shape of a triangle.

Shute teaches desirability of placing a warning beacon 10 inside a Lucite housing 20 to allow for transparent viewing with rugged construction (col. 1, line 18; col. 2, lines 23-27).

It would have been obvious to provide a triangular shaped housing made of Lucite as suggested by Chou and Shute in conjunction with an LED warning beacon device as disclosed by Vukosic, in order to allow a beacon to provide rugged performance in additional applications, such as navigation lights.

Regarding claim 2, Vukosic provides base 12, and Shute teaches use of base 16 for illumination means.

Regarding claims 8-9, Vukosic provides LEDs for perpendicular and opposite directions to the front facing LEDs.

Regarding claim 10, Vukosic discloses colored LEDs (col. 2, lines 53-55).

Regarding claims 12-15, Chou teaches use of batteries or wiring(col. 1, line 64).

Regarding claim 16, housing 20 enhances illumination in Shute (col. 2, lines 28-33).

Regarding claim 20, Vukosic teaches desirability of using flashing LEDs in the warning beacon (col. 4, lines 39-44).

Regarding claims 22,24, compared to wiring 22, Lucite appears to be at least ¼ inches thick (Fig. 2).

2. Claims 3-7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic in view of Chou, Shute and Lin.

Lin teaches use of support legs 4, control circuitry (col. 4, lines 8-19), LED clusters (col. 3, line 62- col. 4, line 34) and random flashing (col. 4, lines 15-41) and power supply (col. 3, lines 54-60).

It would have been obvious to use support legs, control means, clusters, flashing and power in conjunction with a beacon as disclosed by Vukosic, Chou and

Shute, in order to allow a beacon to be set up portably or with particular control arrangements to allow it to provide unique illumination.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic in view of Chou, Shute and Teshima et al.

Teshima teaches desirability of providing reflecting members in a housing to enhance light intensity from LEDs (Fig. 2).

It would have been obvious to use reflective elements in a housing as disclosed by Vukosic, Shute and Chou in order to increase the light intensity of the warning triangle device.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic in view of Chou, Shute and Straten et al.

Straten teaches desirability of providing a supplemental indication 40 adjacent a warning triangle 100.

It would have been obvious to provide a supplemental indicator adjacent a warning triangle as disclosed by Vukosic, Shute and Chou, in order to allow an observer to determine how far away from a signal light the observer was.

5. Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic in view of Chou, Shute and Hall.

Vukosic, Shute and Chou disclose a warning triangle as set forth above, except for specifically stating that the board holding the LEDs in triangularly shaped.

Hall teaches desirability of making a board holding LEDs in a warning illumination device in a triangular shape (col. 7, line 40).

It would have been obvious to include a triangular board in a device as disclosed by Vukosic, Shute and Chou, in order that the board would fit appropriately in a triangle shaped housing, with less wasted space.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic in view of Chou, Hall and Brussog.

Vukosic, Chou and Hall disclose a warning beacon with triangular shaped panel supporting LEDs, whereby light is directed through a forward portion of the front face as set forth above, except for specifically stating that the panel is transparent.

Brussog teaches desirability in an illuminated display of providing LEDs 6 on transparent panel 2 (col. 3, line 28).

It would have been obvious to use a transparent panel as suggested by Brussog in conjunction with a warning beacon as disclosed by Vukosic, Chou and Hall, in order to more easily allow a display to be viewed in plural directions by allowing light to pass through the panel.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


Art Unit: 2636

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Brent A Swarthout  
Examiner  
Art Unit 2636

**BRENT A. SWARTHOUT  
PRIMARY EXAMINER**